

REMARKS

Claims 8-13 are currently pending. No new matter is presented. In view of the above amendments and the following remarks, Applicants request the favorable consideration and allowance of claim 1. In response to the Office Action dated June 6, 2006, Applicants herein submit new Figures 1-3. No new matter is presented.

Claims 8-13 are rejected under 35 U.S.C. 102(b) anticipated by Yamanoi et al. (U.S. Patent No. 4,463,223). The Examiner takes the position that the Yamanoi teach or suggest all the features recited in claims 8-13. Applicants respectfully disagree.

Yamanoi is directed to a head phone that includes a pair of housings, each holding an electro-acoustic transducer, a head band that is extendable and shrinkable, a pair of supporting members, each being curved in an inverse L-shape with each other and supporting at its one end one of the pair of housings and a pair of pivotally supporting members.

Although Yamanoi discloses a head phone with a head band, the ends of the head band, are pivotally supported by members 15 and 16. The pivotally supporting members are connected to a supporting member 3 and 4 which are curved in a substantially inverse L shape and which are fixedly coupled to the acoustic transducers. The pivotally supporting members 15 and 16 are adapted so that the supporting members 3 and 4 and the transducers are pivoted into a plane defined by the hoop band and such that the supporting members are folded inwardly in the plane such that the supporting members 3 and 4 are in a crossed position.

However, the electro-acoustic transducers are fixedly connected to the supporting members 3 and 4. As a result, the transducers cannot be pivoted relative with respect to the end of the hoop band. In addition, the transducers are not connected to the end of the hoop band but merely to supporting members 3 and 4. Therefore, Yamanoi only teaches providing a single joint at each end of the hoop band and this joint is used to pivot the supporting members into the plane of the hoop band and to fold the supporting members inwardly. Thus, it is submitted that Yamanoi fails to teach or suggest the fixing of each of the transducers to the ends of the hoop band having a second joint for pivoting the transducers relative with respect to the end of the hoop band into the plane, said first joint being spaced apart from the second joint along the hoop band. With regard to claim 13, it is submitted that Yamanoi does not teach or suggest a head band and a joint arranged at the apex of the hoop band. Specifically, Yamanoi fails to teach or suggest the transducers being protectively surrounded by limbs of the hoop band when the hoop band is folded inwardly about the first

joint. Therefore, Applicants request the withdrawal of the rejection of claims 8 and 13 under 35 U.S.C. 102(b).

Claims 8, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Furuhashi (U.S. Patent No. 4,445,005). The Examiner takes the position that Furuhashi teaches or suggests all the features recited in claims 8, 10, and 11. Applicants respectfully disagree.

Furuhashi is directed to a central band piece has coupled at both ends a side band pieces of the same curvature of the central band piece by coupling means, forming a substantially circular headphone band as a whole. Each of the coupling means is arranged so that the side band pieces can be turned about axes lying in the plane formed by the band pieces, by which the headphone band can be folded in thirds. A receiver is attached to each of the side band pieces.

More specifically, Furuhashi discloses a head phone with a hoop band and an acoustic transducer coupled to the ends of the hoop band. In Figure 1, a hoop band is shown with two joints 12-1, and 12-2. However, the device illustrated in Figure 1, does not show that a second joint is provided at the end of the hoop band for pivoting the transducers into a plane defined by the hoop band. Furuhashi also illustrates two joints at the end of the hoop band for pivoting the transducers in a plane perpendicular to a plane defined by the hoop band. In other words, the transducers 14-1, 14-2 cannot be pivoted into the plane of the hoop band. (See Figures 14, and 15, and Column 7, lines 1-5). Therefore, it is respectfully submitted that Furuhashi fails to teach or suggest two joints in the hoop band as well as two further joints at the end of the hoop band to which the transducers are coupled such that the transducers can be pivoted into the plane of the hoop band relative to the end of the hoop band. Specifically, Furuhashi fails to teach or suggest the fixing of each of the transducers to the ends of the hoop band having a second joint for pivoting the transducers relative with respect to the end of the hoop band into the plane, said first joint being spaced apart from the second joint along the hoop band. Therefore, Applicants request the withdrawal of the rejection of claim 8 under 35 U.S.C. 102(b).

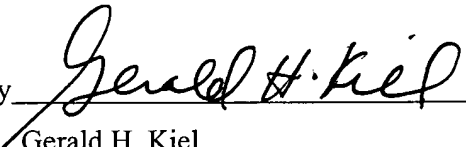
Claims 10 and 11 are dependent upon claim 8. Therefore, it is submitted that these claims recite patentable subject matter for at least the reasons mentioned above. Thus, Applicants request the withdrawal of the rejection of claims 10 and 11 under 35 U.S.C. 102(b).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Furuhashi (U.S. Patent No. 4,445,005). Applicants respectfully traverse the rejection of claim 12.

Claim 12 is dependent upon claim 8. Therefore, it is submitted that for at least the reasons mentioned above, claim 12 recites patentable subject matter. In view of the above remarks, Applicants request the withdrawal of the rejection of claim 12 under 35 U.S.C. 103(a).

In view of the amendments, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

Dated: November 10, 2006

By 
Gerald H. Kiel
Reg. No. 25,116

Reed Smith LLP
599 Lexington Avenue
29th Floor
New York, NY 10022-7650
(212) 521-5400
Attorney for Applicants